

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 08 2010
CLERK

WAYNE L. JOHNSON,	*	CIV. 09-4038
	*	
Plaintiff,	*	
	*	
-vs-	*	ORDER
	*	
MICHAEL J. ASTRUE, Commissioner,	*	
Social Security Administration,	*	
	*	
Defendant.	*	
	*	

The Plaintiff instituted this action seeking a review of the Commissioner's final decision denying him a period of disability and payment of disability insurance benefits and supplemental security income under the Social Security Act. This Court referred the case to United States Magistrate Judge John E. Simko for the purpose of issuing a Report and Recommendation. The Magistrate Judge has recommended that the Commissioner's decision be affirmed and Plaintiff's Complaint be dismissed, with prejudice. The Court has carefully reviewed the Magistrate Judge's Report and Recommendation and the record of the administrative proceedings. After having reviewed the record, the Court agrees with the Magistrate Judge's Report and Recommendation that the Commissioner's decision be upheld. Accordingly, it is hereby

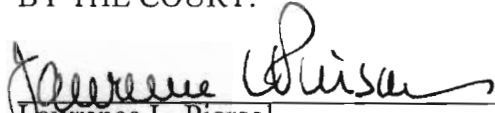
ORDERED that:

1. The Magistrate Judge's Report and Recommendation (Doc. 19) is adopted by the Court.
2. Plaintiff's Motion for Summary Judgment (Doc. 13) is DENIED.

3. The Commissioner's denial of benefits is affirmed.
4. The Plaintiff's Complaint, Doc. 1, is dismissed.

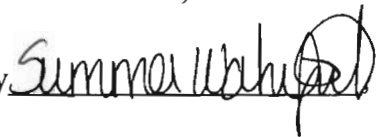
Dated this 07 day of September, 2010.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, Clerk

By  Deputy